

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(RICHMOND DIVISION)**

TYRONE HENDERSON,
on behalf of himself and others
similarly situated,

Plaintiff,

V.

VERIFICATIONS INCORPORATED,

Defendant.

Civil Action No. 3:11-cv-514-REP

Judge: The Honorable Robert E. Payne

AMENDED DISCOVERY SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26, counsel for Plaintiff Tyrone Henderson (“Henderson”) and Defendant Verifications, Inc. (“Verifications”) have conferred to develop a proposed discovery plan and have submitted the following amended scheduling order.

The parties will conduct discovery in two phases. Phase I shall include the claims of the individual Plaintiff and all evidence reasonably necessary for the parties to litigate class certification. The question of whether or not Defendant's alleged violations of the Fair Credit Reporting Act were "willful" pursuant to 15 U.S.C. §1681, *et seq.* shall be reserved for Phase II.

The limits set forth in the Federal Rules shall govern Phase I discovery except that the parties shall be limited to a total of five non-party depositions in Phase I. The parties shall also be permitted to depose for one seven-hour day on the record each expert disclosed by another party.

Plaintiff's expert witness disclosures shall be served by **June 29, 2012**. Defendant's expert witness disclosures shall be served by **July 30, 2012**. Rebuttal expert disclosures shall be served by **August 6, 2012**. Expert depositions for Phase I shall be completed by **August 31, 2012**.

All Phase I discovery shall be completed by **August 31, 2012**.

Motions regarding class certification and all other dispositive motions for Phase I shall be filed by **September 14, 2012**. Opposition briefs shall be filed by **October 1, 2012**. Reply briefs shall be filed by **October 11, 2012**. In the event that a motion is filed on an earlier date, opposition briefs shall be filed within twenty-one calendar days of filing of the motion, reply briefs shall be filed within fourteen days of filing of opposition briefs.

In the event the Court grants Henderson's Motion for Class Certification and denies Verifications' Motion for Summary Judgment, the parties will hold a subsequent discovery conference for Phase II no later than fourteen days after the Court's rulings are issued. Promptly thereafter, the parties will submit to the Court their proposed discovery plan for Phase II.

In the event the case is not certified as a class action and is not disposed of by Summary Judgment, the Court will set a Final Pre-trial Conference and trial date.

The parties have submitted and the Court has entered a protective order regarding confidential or proprietary information that may be exchanged during the course of discovery.

The parties have discussed all other items required by Rule 26(f).

The following shall summarize the deadlines in these cases:

<u>Activity</u>	<u>Deadline</u>
Plaintiff's Deadline to serve initial Fed. R. Civ. P. 26(a)(2)(B) expert disclosures as to Phase I issues	June 29, 2012

Defendant's Deadline to serve initial Fed. R. Civ. P. 26(a)(2)(B) expert disclosures as to Phase I issues	July 30, 2012
Deadline to serve rebuttal expert disclosures as to Phase I issues	August 6, 2012
Deadline for completing Phase I expert depositions	August 31, 2012
Close of Phase I fact discovery (including depositions and production of written discovery)	August 31, 2012
Deadline to file motions regarding class certification and other dispositive motions	September 14, 2012
Deadline to file responses to motions regarding class certification and other dispositive motions	October 1, 2012
Deadline to file replies in support of motions regarding class certification and other dispositive motions	October 11, 2012
Hearing on class certification and other dispositive motions	_____ 2012

Entered this ____ day of June, 2012

Hon. Robert E. Payne
Senior United States District Judge

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